

**COMBINED DECLARATION OF INVENTORSHIP  
AND POWER OF ATTORNEY**

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first and sole inventor of the claimed subject matter of the invention disclosed in U.S. Patent Application Serial No. 09/816,642 entitled "METHOD OF AND SYSTEM FOR DETECTING AND CORRECTING MODE SWITCHING IN DIFFRACTIVE-BASED LASER SCANNER SYSTEMS", filed March 23, 2001 and for which a U.S. Letters Patent is sought.

I hereby state that I have reviewed and understand the contents of the above identified Application, including the Claims to Invention thereof.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56, including material information which became available between the filing dates of the present application on March 23, 2001 and the National or PCT International filing of the continuation-in-part application, if applicable.

I hereby appoint Jay P. Sbröllini, Esq., Reg. No. 36, 266 and Thomas J. Perkowski, Esq., Reg. No. 33,134, of Soundview Plaza, 1266 East Main Street, Stamford, Connecticut 06902, to represent Applicants before the United States Patent and Trademark Office and to transact all business in connection with the above-referenced application, and any continuation, division and continuation-in-part applications thereof.

All statements made herein of my own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Please send all future correspondence in the above-referenced application to the undersigned attorney at the following address:

Thomas J. Perkowski, Esq., P.C.  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902

Please direct all telephone calls to Thomas J. Perkowski, Esq., P.C. at (203)-357-1950.

First sole inventor, Frank Check Frank Check  
Residence: 6908 Burnside Drive  
San Jose, California 95120  
Post Office Address: same as above  
Citizenship: USA  
Date: 17 JULY, 2001

BEST AVAILABLE COPY

Attorney Case No.: 108-028USANA0

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Continuation Application based on co-pending Application of:

Applicant : Frank Check  
Serial No. : 09/816,642  
Filing Date : March 23, 2001

Honorable Commissioner of Patents  
and Trademarks  
Washington, DC 20231

**DECLARATION UNDER C.F.R. 1.53(b)**

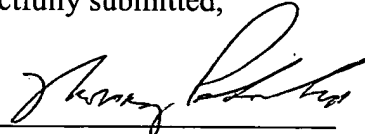
Sir:

I, Thomas J. Perkowski, Esq., attorney of record in the above identified case, hereby declare and certify that the attached Xerox copy of the application is a true copy of original co-pending Application Serial No. 09/816,642 filed March 23, 2001.

The undersigned declares further that all statements made herein are his own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The present application continues prosecution of subject matter disclosed in co-pending Application Serial No. 09/816,642 filed March 23, 2001.

Respectfully submitted,




Date: December 9, 2003

Thomas J. Perkowski, Esq.  
Reg. No. 33,134  
Attorney for Applicant  
Thomas J. Perkowski, Esq., P.C.  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902  
203-357-1950  
<http://www.tjpatlaw.com>

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence is  
being deposited with the United States Postal Service  
on December 9, 2003  
as Express Mail (No. EL799853346US)  
in a postage prepaid envelope address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



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Mailer: Nancy Grimm  
Date: December 9, 2003

Attorney Case No.: 108-028USANA0

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Continuation Application based on co-pending Application of:

Applicant : Frank Check  
Serial No. : 09/816,642  
Filing Date : March 23, 2001

Honorable Commissioner of Patents  
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Washington, DC 20231

**DECLARATION ACCOMPANYING TRANSMITTAL OF SUBSTITUTE  
SPECIFICATION UNDER C.F.R. 1.125**

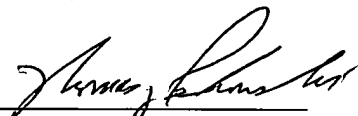
Sir:

I hereby declare that the Substitute Specification, Claims to Invention and Abstract of Disclosure transmitted herewith for filing in the above-referenced Application contains no new matter, in accordance with 35 U.S.C. Section 132. The Specification includes changes set forth in the Preliminary Amendment filed herewith.

The undersigned declares further that all statements made herein are of his own knowledge, are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

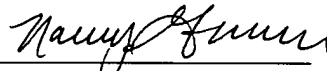
Dated: December 9, 2003

  
Thomas J. Perkowski, Esq.  
Reg. No. 33,134  
Attorney for Applicant  
Thomas J. Perkowski, Esq., P.C.  
Soundview Plaza  
1266 East Main Street  
Stamford, Connecticut 06902  
203-357-1950  
<http://www.tjpatlaw.com>

CERTIFICATE OF EXPRESS MAIL  
UNDER 37 C.F.R. 1.10

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Mailer: Nancy Grimm  
Date: December 9, 2003